



image

AF 2834  
\$

I hereby certify that this correspondence is  
being sent by First Class Mail to Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on OCTOBER 30, 2003

Name of Rep. Henry I. Schanzer

Signature Henry I. Schanzer

date 10/30/03

s/n 09/763,247

OPT 33-27

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Carroll et al.  
Serial Number : 09/763,247  
For : WAVE ENERGY CONVERTERS UTILIZING  
PRESSURE DIFFERENCES  
Filed : 10/15/01  
Examiner : GONZALEZ, J.C.  
Art Unit : 2834

TERMINAL DISCLAIMER

Hon. Commissioner of Patents and Trademarks  
Alexandria, VA 22313-1450

Sir:

Enclosed herewith is a Terminal Disclaimer for Claims 1-3 of  
the above-identified application. The Disclaimer is submitted in  
partial response to an Office Action dated August 14, 2003 and is  
being mailed to the USPTO for inclusion of a check in the amount of  
\$55.00 for the Disclaimer filing fee. A further response to the  
Office Action requesting reconsideration of certain rejections made  
therein has been transmitted by facsimile on October 30, 2003.

Reconsideration of the rejection and allowance of the  
application are respectively requested.

Respectfully submitted

Michael Y. Epstein  
Michael Y. Epstein  
21,186

# **TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

NOV 03 2003

Patent Application of: Carroll, et al.

Application Number: 09/763,247

Filed: October 15, 2001

For: WAVE ENERGY CONVERTERS UTILIZING PRESSURE DIFFERENCES

The owner\*, OCEAN POWER TECHNOLOGIES, INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,291,905. The owner hereby agrees that any patent Claims 1-3 of so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. 1-3 of

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

*Michael Y. Epstein*

10/30/03

Signature

Date

Michael Y. Epstein

Typed or printed name

(843) 534-0840

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included. (\$55.00)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.